



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

October 2, 2009

Secretary

717-787-2814

Mr. Randy Huffman, Secretary
West Virginia Department of Environmental Protection
601 57th Street
Charleston, WV 25304

Re: Dunkard Creek Fish Kill Consolidation Coal Company Blacksville No. 1 Mine

Dear Secretary Hoffman:

As you are aware, there has been a massive fish kill and damage to aquatic life and the resources within Dunkard Creek. This fish kill started on the West Virginia Fork of Dunkard Creek and persists for nearly thirty miles through Dunkard Creek in West Virginia and into Pennsylvania. Based on the field samples the Department of Environmental Protection (DEP) collected, Outfall 005 from Blacksville No. 2 Mine is the most significant source of total dissolved solids (TDS), sulfates and chlorides discharging into Dunkard Creek at levels that are toxic to aquatic life and far in excess of Pennsylvania's Water Quality standards. These levels of pollutants damage aquatic life and threaten water quality in the Monongahela River which is a source of potable water for nearly 850,000 people in southwestern Pennsylvania. In addition these levels of TDS, sulfates and chlorides impact industrial users along the Monongahela River from utilizing river water for their operations. These high levels of TDS and chlorides in the stream create a brackish water environment in a fresh water stream, allowing the halophilic (salt loving) golden brown algae to flourish in the stream. Your staff believes this algae and the toxins it produces may have been a contributing factor to the fish kill. This would of course be in addition to the detrimental affects on aquatic life caused by high Osmotic Pressure associated with these TDS levels in stream.

DEP is requesting that your agency take necessary enforcement measures to control pollutional discharges of TDS, sulfates and chlorides from the Outfall 005 from the Blacksville No. 2 Mine owned and operated by Consol in West Virginia. We are aware that Consol has stopped pumping of Blacksville No. 2 mine to outfall 005; however, as the water builds up in the mine, it will become necessary at some point to resume the pumping. We would like to know what measures will be taken to prevent the expected stream impairments at that point. DEP is also requesting that you revoke any Underground Injection Control (UIC) permits or other authorizations that allow the injection of wastewater into underground mines in the Dunkard Creek Watershed. In addition, we ask that you work cooperatively with us to determine other source or sources of the high levels of these pollutants in the discharge and require treatment of this wastewater by removing TDS, chlorides and sulfate to levels that will stop the fish kill or take other steps to allow aquatic life to return to the stream and prohibit any impairment to public drinking water supplies and industrial water uses.



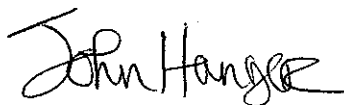
Although the immediate problem on Dunkard Creek originates from the Blacksville No. 2 Mine, we believe that an effective long term solution to this issue lies in a better understanding of the interconnected mine pools in the area and determining whether any disposal into those mine pools should be ceased. Specifically, DEP has received information that the mine pool from Blacksville No. 1 is flowing into the mine pool in Blacksville No. 2. There is at least one Underground Injection Well permitted by the Environmental Protection Agency (EPA) to Consol that contributes TDS and chlorides into the Blacksville No. 1 mine pool. In addition the mine pools in the Humphries mine and Shannopin mine may have been impacted by contributions, injections or disposals into connected mine pools.

We have also observed that the levels of chlorides being discharged from Outfall 005 at the Blacksville No.2 Mine are unusually high for a discharge solely from a deep mine. Although Consol is primarily liable for its discharge from Outfall 005 and any consequences that result from that discharge, DEP is suspicious of other sources of chlorides that might be discharged into the Blacksville No. 2 Mine or into one of the mine pools connected to the Blacksville No. 2 Mine. Based on the UIC application to EPA, these mines are hydraulically connected to several other Consol Mines that discharge at the Flaggy Meadows and Sears AMD plants.

I appreciate the cooperation we have received from your staff. We look forward to further discussions of operations and facilities within the watershed and resolving this serious environmental problem.

If you have any questions, please contact Mr. Michael D. Sherman, Deputy Secretary for Field Operations, by e-mail at msherman@state.pa.us or by telephone at 717-787-5028, or Mr. Ronald Schwartz, Acting Regional Director, DEP's Southwest Regional Office, by e-mail at roschwartz@state.pa.us or by telephone at 412-442-4000.

Sincerely,



John Hanger
Secretary